HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.18310 of 1998

Dated 28th day of February, 2007

Between:

Smt. Najeez Begum .. Petitioner

And

The Commissioner, Municipal Council, Karimnagar and two others .. Respondents

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O R D E R:

This writ petition is filed to quash the order, dated 24.6.1998 passed by the 1st respondent.

The brief facts of the case are that the petitioner purchased the land of an extent of 372.22 square yards by virtue of a registered sale deed dated 15.10.1997. Thereafter, she applied to the 1st respondent for permission to construct a building in her site and the 1st respondent accorded permission. However, on the basis of a legal notice issued by the 3rd respondent, the 1st respondent cancelled the permission on 24.6.1998.

During the course of hearing the learned counsel for the petitioner as well as the learned counsel for the 3rd respondent have submitted that O.S.No.49 of 1997 instituted by the 3rd respondent against the petitioner herein and others was compromised before the Lok Adalat. As per the terms of the compromise, the plaintiff i.e. the 3rd respondent admits that the 6th defendant i.e. Najeez Begum, who is the petitioner herein, is the owner and possessor of the land admeasuring 372.22 square yards, which is covered under house bearing No.3-6-77 and bounded by East: 6 feet wide road; West: 30 feet wide road; North: Shivalayam Temple and South: Land of Shaheda Begum (now house of Shaheda Begum). It is further admitted by the 3rd respondent that the petitioner-6th defendant is in peaceful possession and enjoyment of the schedule property and has paid a sum of Rs.52,000/- to the plaintiff towards costs of the land for which the plaintiff had passed a separate receipt and the 3rd

respondent has no right, title or interest over the scheduled property.

Having regard to the compromise entered into between the petitioner and the 3rd respondent and the permission, which was cancelled by the 1st respondent solely on the basis of the letter addressed by the 3rd respondent, this Court is of the view that the order of cancellation is liable to be set aside. Accordingly, the impugned order dated 24.6.1998 is hereby set aside.

In the result, the writ petition is allowed. No costs

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28.02.2007

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